

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	
Peter FLOHR et al.	)	Group Art Unit: Unassigned
Application No.: 11/586,816	)	Examiner: Unassigned
Filed: July 20, 2006	)	Confirmation No.: 9010
For: PREMIXING BURNER	)	
ARRANGEMENT FOR OPERATING	)	
A COMBUSTION CHAMBER AND	)	
METHOD FOR OPERATING A	)	
COMBUSTION CHAMBER	)	

**PETITION FOR FILING APPLICATION BY LESS THAN  
ALL OF THE INVENTORS PURSUANT TO 37 C.F.R. §1.47(a)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby submit this Petition to the Commissioner to accept the filing of the above-identified patent application by less than all of the joint inventors pursuant to 37 C.F.R. §1.47(a).

The joint inventors of this application are Peter Flohr and Christian Oliver Paschereit. It is requested that co-inventor Peter Flohr be permitted to make a declaration of inventorship in connection with the above identified U.S. patent application on behalf of Christian Oliver Paschereit for the following reasons.

Joint inventor Christian Oliver Paschereit has refused to sign the Declaration.

***OATH OR DECLARATION BY ALL AVAILABLE INVENTORS***

The other inventor, Peter Flohr has signed the Declaration and a copy of the partially executed Declaration is enclosed. Please accept the attached Declaration as being made on behalf of the non-signing inventor. See, e.g., 37 C.F.R. §1.64.

**DOCKETED**  
12-1-06

***IDENTIFICATION OF NON-SIGNING INVENTOR AND LAST KNOWN ADDRESS***

Christian Oliver Paschereit is the only non-signing inventor and his last known mailing address is as follows:

Herr Prof. Dr. Christian Oliver Paschereit  
Lohengrinstrasse 29  
D-14109 Berlin  
Germany

***PROOF OF UNAVAILABILITY OR REFUSAL***

Applicants submit herewith a Declaration of Facts by Annett Fabian and a Declaration of Facts by Yvonne Egger in support of this Petition. It is respectfully submitted that the Declarations and Exhibits attached thereto establish: (1) Christian Oliver Paschereit has made an express oral refusal to execute formal papers for applications which are presented to him for execution by ALSTOM Technology Ltd; and (2) that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to Christian Oliver Paschereit for his signature, but he has not returned the executed Declaration.

***RELIEF REQUESTED AND CONCLUSION***

In light of the above, Applicants request that the present application be accepted as complete pursuant to 37 C.F.R. §1.47. To the extent that it is determined that relief is inappropriate pursuant to 37 C.F.R. §1.47, Applicants hereby request that this Petition be considered under 37 C.F.R. §§1.181, 1.182 and/or 1.183.

The Petition fee pursuant to 37 C.F.R. § 1.17(g) is submitted herewith.

Should this petition be considered insufficient, or the relief requested not be granted for any reason, Applicants respectfully request that this be considered a *bona fide* attempt to respond to the notice to file missing parts of August 28, 2006, and that Applicants be permitted an opportunity to supplement this response and Petition.

The Director is hereby authorized to charge any appropriate fees that may be required by this paper, and to credit any overpayment to Deposit Account No. 02-4800.

Any questions regarding this Petition should be directed to the undersigned at the telephone number set forth below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: December 1, 2006

By: 

Scott W. Cummings

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